

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WILLIE J. McCEARY II  
Plaintiff,  
v.  
JUDGE ANNE GEOFFRION and  
JUDGE MARIE LYONS  
Defendants.

CIVIL ACTION  
NO. 05-30053-KPN

**DEFENDANTS JUDGE ANNE GEOFFRION AND JUDGE MARIE LYONS' MOTION  
TO DISMISS**


Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Judge Anne Geoffrion and Judge Marie Lyons (the Defendants) move this Court to dismiss the above-entitled action for failure to state a claim upon which relief can be granted.

In support of such motion, the Defendants state that all of the alleged actions in the Plaintiff's Complaint and Amended Complaint were taken within the scope and course of their duties and employment as judges in the Hampden Probate Court of the Department of the Trial Court for the Commonwealth of Massachusetts. As state court judges, they are entitled to judicial immunity for their judicial actions. The Defendants further incorporate the reasons set forth in their Memorandum of Law in support of this motion as if expressly stated herein.

WHEREFORE, the Defendants move this court to dismiss this case for failure to state a claim upon which relief can be granted as they are immune from liability for their actions as state court judges.

Respectfully submitted,  
The Defendants  
By Their Attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

  
William P. O'Neill BBO#379745  
Assistant Attorney General  
Western Massachusetts Division  
1350 Main Street

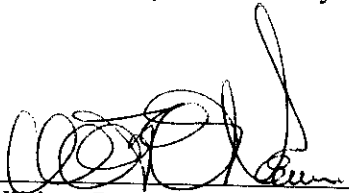
Springfield, MA 01103-1629  
(413)784-1240 FAX: 784-1244

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**CERTIFICATE OF SERVICE**

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I, William P. O'Neill, Assistant Attorney General, Western Massachusetts Division, 1350 Main Street, Springfield, MA 01103-1629 do hereby certify that on April 7, 2005, I caused the foregoing **DEFENDANTS JUDGE ANNE GEOFFRION AND JUDGE MARIE LYONS' MOTION TO DISMISS** and **DEFENDANTS JUDGE ANNE GEOFFRION AND JUDGE MARIE LYONS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS** to be served upon the Plaintiff pro se in this action by mailing a copy of the same, postage prepaid, first class mail to: Willie J. McCreary, II, 17 Daytona Street, Springfield, Massachusetts 01108

  
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William P. O'Neill  
Assistant Attorney General